

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 516 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

SURAT MUNICIPAL CORPORATION

Versus

PARASRAM RATILAL BHANDARI

Appearance:

MR PRASHANT G DESAI for Petitioner

MS V.P.Shah Ld. Counsel for KJ BRAHMBHATT for

Respondent No. 1, 2, 3, 4, 5, 6

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 05/05/97

ORAL JUDGEMENT

While allowing the Application at Exhibit-5 the Court below, that is Ld. 4th Jt. Civil Judge (S.D.) Surat, has passed the following orders on 19th June 1992.

" Application Ex. 5 is hereby allowed.

The defendant Corporation is hereby directed to initiate the proceedings for taking action in accordance with the provisions of Town Planning Act and B.P.M.C. Act to hand over the actual physical possession of final plot No. 103, 133 and 91 to the plaintifffs within Four (4) months from the date of this order. "

The above said orders are in challenge in the present Appeal From Order before me.

Upon hearing learned counsel Mr. Prashant Desai for the Appellant- Ori. defendant Surat Municipal Corporation and learned counsel Ms. V.P. Shah for the Respondents, and regard being had to the Supreme Court pronouncement in The Municipal Corporation for Greater Bombay and another, Appellants v. The Advance Builders (India) Pvt.Ltd. and others, Respondents, A.I.R. 1972, S.C. 793 and also to the provisions contained under section 68 of the Gujarat Town Planning And Urban Development Act, 1973; the said orders require to be modified as indicated hereinafter.

In modification of the above said orders I would say that, the Appellant-Ori.defendant Municipal Corporation shall initiate the necessary proceedings for summary eviction under section 68 of the Gujarat Twon Planning & Urban Development Act, 1976, within a period of four weeks from the date of receipt of the writ of the present orders, and shall complete the same according to law within a reasonable period. The rest of the directions in the orders under appeal shall stand deleted. The present Appeal succeeds to the above said extent and the same is hereby partly allowed. Appeal From Order stands disposed of with the above said orders. No cost. D.S. permitted.

/venu

